

1951
1951

location.

Q. I see. In your official capacity did you patrol in that area?

A. Just checking at night.

Q. Is that the only relation you have had with Mr. Akin?

A. Yes sir.

Q. Is that the way you know him?

A. That's the way I know him. I would like to say this that before he moved to the location out on Baily Drive, I had a body shop across the street from his trailers out on 5th Avenue, and I talked with Mr. Akins then, as best as I can remember that must have been in 49 or 50, uh 59 or 60, somewhere along there.

Q. But you happen to know what kind of business he was in?

A. Yes sir, he's in the trailer business.

Q. And you know where his business is located?

A. Yes sir.

Q. Now I'll ask you please sir has Sergeant Miller worked continuously since he was promoted to Sergeant? In that position in the department?

A. Well he's worked since he was promoted to Sergeant.

Q. And since he has been promoted to Sergeant has

1 he worked contingously in that capacity?

2 BY MR. HAUBERG:

3 We object to that, Your Honor, that was not what he
4 said.

5 BY MR. PIGFORD:

6 I didn't understand him to say that, Your Honor.

7 BY THE COURT:

8 You may answer.

9 BY THE WITNESS:

10 Q He's been suspended a couple or three times.

11 A Since he was a Sergeant.

12 BY MR. HAUBERG:

13 We object, Your Honor, and ask that it be excluded.

14 BY THE COURT:

15 I sustain the objection.

16 BY MR. HAUBERG:

17 We request the Jury to be instructed to disregard
18 the answer.

19 BY THE COURT:

20 Yes, the Jury will disregard the witness' answer/
21 about the statement about the Sergeant being suspended.

22 BY MR. PIGFORD:

23 Q Judge, May I ask him again if he has worked
24 continuously since was made a Sergeant?

25 BY THE COURT:

All right.

BY MR. PIGFORD:

Q Has he worked continuously since he became a Sergeant?

A No he has not.

BY MR. HAUBERG:

We object to that Your Honor, he's been over that two or three times.

BY THE COURT:

I'll overrule the objection as to that question.

BY MR. PIGFORD:

Q Now, can you tell us how long it was that he did not work in this period of time since he've been promoted as Sergeant, how long a time was it that he did not work?

A No sir, I couldn't say how many days he didn't work.

Q Well, is it a matter of days or months?

A Matter of days.

Q When was that? That he did not work in that position

A Right after he was promoted to Sergeant, he was off a few days.

Q Was that because of official action?

BY MR. HAUBERG:

We object again, Your Honor.

1 BY THE COURT:

2 Sustained.

3 BY MR. PIGFORD:

4 Judge may I finish my question for the record?

5 BY THE COURT:

6 I thought you had finished.

7 BY MR. PIGFORD:

8 No sir.

9 BY THE COURT:

10 You may finish.

11 BY MR. PIGFORD:

12 Q Was that because of official action by the police
13 department with reference to Sergeant Miller?

14 BY THE COURT:

15 Sustain the objection. I thought that was what your
16 question was.

17 BY MR. PIGFORD:

18 The Judge says you may not answer.

19 Q Now, Mr. Stewart, with reference to any of the
20 defendants other than Mr. Travis Barnett, is this
21 is socializing acquaintance with these people
22 or is it just a fact that you know who they are?

23 A Just know who they are.

24 Q I believe that's all.

25 RE-CROSS EXAMINATION

BY MR. HAUBERG:

Q. Your last answer doesn't pertain to Travis Barnett does it?

A. No sir.

Q. You do socialize with him, don't you?

A. No sir, but I do know that I am related to him and it would be a little more than just passing by and speaking to him.

Q. You are pretty close to him?

A. No sir, I'm not pretty close to him, but I do know him better than I know the rest of them.

Q. I see, that's all.

BY THE COURT:

We'll take a fifteen minutes recess.

(Whereupon the Court took a recess at 10:21 A. M.)

AFTER RECESS:

BY MR. ALFORD:

Before the Jury returns, Your Honor, on Friday afternoon, we asked for the witness, Beatrice Cole, and had a subpoena for her. She was here Saturday morning but we didn't get to her and she is not here this morning. May we have a Marshal go for her?

BY THE COURT:

Well, if she was here and you didn't use her I think that's your fault, and that is my position

1 on it. I have carefully reviewed my notes and
2 I don't find in there what you have been talking
3 about.

4 (Jury returned to the Courtroom)

5 BY MR. WATKINS:

6 May we proceed, Your Honor?

7 DIRECT EXAMINATION

8 DONALD WILLIAMSON, called as a witness for and on
9 behalf of defendants, was sworn and testified as
10 follows:

11 BY MR. WATKINS:

12 May it please the Court, this witness is Donald
13 Williamson.

14 Q Is that your name, sir?

15 A Yes sir.

16 Q What is your profession or occupation?

17 A Lawyer.

18 Q And where do you practice law?

19 A Meridian, Lauderdale County, Mississippi.

20 Q And how many years have you lived in Lauderdale,
21 County, Mississippi?

22 A Fifteen years the last time I've had residence
23 here; however, I've lived here prior to the time
24 I started practicing law here in Meridian.

25 Q Do you know Frank J. Herndon?

A. I do.

Q. How many years have you known Frank Herndon in your judgment?

A. I have known Frank Herndon for more than 10 years.

Q. Have you known him during that period of time in Lauderdale County?

A. Yes sir.

Q. Doyou know his general reputation in Lauderdale County the community in which he lived at that time for peace ar violence? Do you know it?

A. Yes sir.

Q. Is it good or bad?

A. Its good.

Q. Your witness.

BY MR. HAUBERG:

We have no questions.

(Whereupon witness excused)

JOE COVINGTON, called as a witness for and on behalf of defendants, was sworn and testified as follows:

BY MR. HENDRICKS:

DIRECT EXAMINATION

May it please the Court, this is Dr. Joe Covington.

Q. You are Dr. Joe Covington?

A. Yes sir.

Q. What is your profession doctor?

1 A I am a medical doctor, physician.

2 Q How much training have you had and training?

3 A Well after finishing medical school I had
4 internship and three years of speciality training
5 in internal medicine.

6 Q Do you have a speciality in internal medicine
7 or any particular speciality?

8 A Not definitely a speciality, but I have a good
9 deal of inferences on heart condition.

10 Q Do you know Mr. B. L. Akin of Meridian,
11 Mississippi?

12 A Yes sir.

13 Q Have you had him as a patient?

14 A Yes sir.

15 Q Would you tell the Court when you first had him
16 and why?

17 BY MR. HAUBERG:

18 We object to that, if the Court please as we don't
19 think it is material in the issues here.

20 BY THE COURT:

21 I don't see the materiality of it either.

22 BY MR. HENDRICKS:

23 He's a defendant, Your Honor, we want to show the
24 state of his health.

25 BY THE COURT:

His health is not in issue. Sustain the objection.

BY MR. HENDRICKS:

No further questions.

BY MR. HAUBERG:

We have nothing of this witness.

(Whereupon witness excused)

JOYCE DENNIS, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. BUCKLEY:

May it please the Court, this is Joyce Dennis.

Q Where do you live, Mrs. Dennis?

A I live out from Forest at Harperville.

Q Near Harperville?

A That's correct.

Q What county is that in please mam?

A Scott County.

Q Are you married?

A Legally, yes.

Q To whom are you married,

A Delmar Dennis.

Q Is he a preacher?

BY MR. HAUBERG:

Object to Counsel leading.

1 BY THE COURT:

2 Overruled.

3 BY MR. BUCKLEY:

4 Q Tell us whether or not he is a Minister of God?

5 A I readlly don't know now, he flitted from one
6 to the other and I don't----

7 BY THE COURT:

8 I'll sustain the objection if she doesn't know.

9 BY MR. BUCKLEY:

10 Q Tell us whether or not he was a licensed minister

11 A Yes.

12 Q What churches?

13 A Baptist, Methodist, Southern Methodist.

14 Q Where is he living now, if you know?

15 A 3228 34th Street I suppose.

16 Q Where?

17 A In Meridian.

18 Q Is that in Lauderdale County?

19 A Yes sir.

20 Q Are you employed anywhere now?

21 A Yes sir.

22 Q Lady would you speak up just a little bit.

23 BY THE COURT:

24 Lady, you are not going to help us unless you talk

25 loud enough so we can hear you.

BY MR.

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BY MR. BUCKLEY:

Q Where are you presently employed?

A In Forest.

Q How long were you and Reverend Delmar Dennis married?

A Ten years.

Q Tell me whether or not you, how long have you been separated from him?

A Four months, approximately.

Q Approximately four months. Tell me whether or not during the course of your marriage you ever had a conversation with him regarding the catching of snakes?

BY MR. HAUBERG:

We object to that if the Court please.

BY MR. BUCKLEY:

Your Honor, it it please the Court I recall that they asked this specific question.

BY THE COURT:

I believe so.

BY MR. HAUBERG:

We don't see the relevancy of this witness it would be incompetent.

BY THE COURT:

I won't prejudge it we will see what she has to say.

1 BY MR. BUCKLEY:

2 Q Tell the Court and Jury about the conversation
3 you had with him regarding catching snakes.

4 BY MR. HAUBERG:

5 We object.

6 BY THE COURT:

7 You may restate your question.

8 BY MR. BUCKLEY:

9 Q Tell us whether or not you ever had a conversation
10 with him regarding snakes?

11 A Yes.

12 Q Would you tell us if these snakes were poisonous
13 or non-poisonous snakes?

14 BY MR. HAUBERG:

15 We object to the conversation, if the Court please.

16 BY THE COURT:

17 I'll overrule the objection.

18 BY MR. BUCKLEY:

19 Q Could you tell us whether or not he said they
20 were poisonous snakes or non-poisonous snakes?

21 A Poisonous.

22 BY MR. HAUBERG:

23 We object to that, If the Court please.

24 BY THE COURT:

25 I remember distinctly that he asked him if they

1963
1963

were poisonous or non-poisonous.

BY MR. BUCKLEY

Q Would you repeat your answer?

A Poisonous.

Q He said they were poisonous snakes. Did you see any of them?

A Yes.

Q What kind of snakes were they?

A Water moccasin and I believe there was a rattlesnake in there.

Q How many of each?

A Oh, it was twenty or thirty. Maybe more.

Q Did he tell you anything, I'll withdraw that question. Have you ever had a conversation with him regarding his inclination to tell the truth?

A Yes.

BY MR. HAUBERG:

We object to that.

BY THE COURT:

I didn't understand that.

BY MR. BUCKLEY:

Q Tell me whether or not you have ever had a conversation with your husband regarding his inclination to tell the truth?

1964
1 BY MR. HAUBERG:

2 We object to that.

3 BY THE COURT:

4 I sustain the objection.

5 BY MR. BUCKLEY:

6 Q Tell us why you are now separated?

7 BY MR. HAUBERG:

8 We object to that, if the Court please.

9 BY THE COURT:

10 Sustained.

11 BY MR. BUCKLEY:

12 Q Your Honor, if it please the Court, there was
13 one question as I recall that was asked to him
14 on cross examination regarding their separation,
15 I don't want to ask anything that is not proper.

16 BY THE COURT:

17 Let's see what it is.

18 BY MR. BUCKLEY:

19 Q Tell me whether or not your husband----

20 BY MR. HAUBERG:

21 Object, he's leading the witness.

22 BY THE COURT:

23 I don't know what the question is.

24 BY MR. BUCKLEY:

25 Q Mrs. Dennis, tell us whether or not your husband

has ever beat you?

BY MR. HAUBERG:

Object to that, if the Court please.

BY THE COURT.

Sustained.

BY MR. HENDRICKS:

They brought that out on direct examination,
may it please the Court.

BY THE COURT:

Well, we don't want to try a divorce case up here
in fact, there is always two sides to every divorce
case I ever heard.

BY MR. BUCKLEY:

Q Tell me whether or not you know his inclination
or tendency to tell the truth, not what the
conversation was about?

BY MR. HAUBERG:

If the Court please we object to that.

BY THE COURT:

Sustain the objection.

BY MR. BUCKLEY:

Q Based on your knowledge and familiarity having
lived with him for ten years, been with him
and associated with him, tell us whether or not
you would give his testimony in a court of law

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under oath full fledged credit.

BY MR. HAUBERG:

We object.

BY THE COURT:

I'm going to let her answer that.

BY THE WITNESS:

A. Would you repeat that please?

Q. Tell us whether or not with your close association with him based over a period of years you would give his testimony in a court of law full favored credit?

BY MR. HAUBERG:

We object to that.

BY THE COURT:

I'll let her answer.

BY THE WITNESS:

A. In my opinion, no.

Q. That's all.

CROSS EXAMINATION

BY MR. HAUBERG:

Q. Mrs. Dennis, I believe you testified that you are not living together with your husband now?

A. That's correct.

Q. I beg your pardon?

A. That's correct.

1 Q How long have you not been living together?

2 A Since May of this year.

3 Q And is that when the separation took place?

4 A Yes.

5 Q Has the separation been constantly and continuously
6 since that time?

7 A Yes.

8 Q That's all. Just a minute please. Where do you
9 live Mrs. Dennis?

10 A I live with my parents.

11 Q And where is that?

12 A In Scott County.

13 Q Scott County?

14 A Yes sir.

15 Q How long have you lived there?

16 A Since I separated from Delmar.

17 Q And do you know where your mother and daddy live?

18 A I guess so I live with them.

19 Q You live with them in Scott County?

20 A Yes.

21 Q You live where they live. Do you know whether or
22 not your father is a member of the Ku Klux Klan?

23 A No, I don't. I would say he's not, but I don't
24 know.

25 Q Do you know whether or not your father has had

1 any conversation with any of these defendants in
2 this case?

3 A I don't know but I don't think he has. I don't
4 know.

5 Q Well would you deny that he has?

6 BY MR. BMCKLEY:

7 Your Honor I'm going to object to this. This is
8 not proper cross examination.

9 BY THE COURT:

10 Overruled.

11 BY MR. HAUBERG:

12 Q Would you deny that he has had any meetings with
13 any of these defendants?

14 A I can't recall that he ever did but I don't follow
15 my father everywhere he goes.

16 Q You know some these defendants so you?

17 A Not personally.

18 Q That's all.

19 REDIRECT EXAMINATION

20 BY MR. PIGFORD:

21 Q Mrs. Dennis during your living together with
22 Reverend Dennis have you ever seen him commit
23 any actual violence in your presence?

24 BY MR. HAUBERG:

25 Object to that, Your Honor.

BY THE COURT:

I'll sustain the objection.

BY MR. PIGFORD:

That's all.

(Whereupon witness excused)

G. W. PATTY, SR., called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. PIGFORD:

May it please the Court, this is Mr. G. W. Patty, Sr.

Q. Mr. Patty, how old are you please sir?

A. I'm 68.

Q. In what City do you live?

A. Meridian.

Q. What is your occupation?

A. President of the First National Bank, in Meridian.

Q. All right sir, for how long have you held that position?

A. About twenty years.

Q. I'll ask you sir, if you know Mr. B. L. Akin?

A. I do.

Q. Do you know in what City he lives?

A. Meridian.

1970

1 Q Do you know in what community he does live in?

2 A In Meridian.

3 Q Mr. Patty, I'll ask you in your position if you
4 have any opportunity to talk to the members of
5 the community who live in Meridian, Mississippi?

6 A Yes sir, I do.

7 Q And who would these people be?

8 A Just a general cross section.

9 BY THE COURT:

10 How long have you known Mr. Akin?

11 BY THE WITNESS:

12 About ten years.

13 BY MR. PIGFORD:

14 Q I ask you Mr. Patty if you know the general
15 reputation of Mr. B. L. Akin in the county
16 in which he lives for peace and violence?

17 A Yes sir.

18 Q Is it good or bad.

19 A Good.

20 Q That's all.

21 BY MR. HAUBERG:

22 We have no questions of this witness.

23 (Whereupon witness excused)

24 J. C. POWE, called as a witness for and on behalf
25 of defendants, was sworn and testified as follows:

1971
DIRECT EXAMINATION

1
2 BY MR. BUCKLEY:

3 May it please the Court, this is J. C. Powe.

4 Q Where do you live J. C.?

5 A I live at 614 Hubbard Avenue.

6 Q In what town?

7 A Laurel, Mississippi.

8 Q Laurel is in what county, J. C.?

9 A Jones County.

10 Q How long have you lived there?

11 A I've been living there for about fifteen years.

12 Q And do you know the defendant Sam Bowers?

13 A Yes sir.

14 Q And how long have you known him?

15 A About 18 or 19 years.

16 Q Do you know where he lives? What town?

17 A I know he used to live in Laurel, I don't know
18 where he's living at now.

19 Q Do you know what county he's living in now?

20 A Jones County.

21 Q He lives in Jones County?

22 A Yes.

23 Q Tell me whether or not you know some of the
24 people generally in the community where he lives?

25 A Well I don't know the people that lives in this

1 community but I knows a lots of people that know
2 him.

3 Q I say, do you know a lot of the people that live
4 in Laurel?

5 A Yes sir.

6 Q And you know most of the people that lives in
7 Jones County?

8 A Yes sir.

9 Q Do you know Mr. Bowers reputation, or his
10 general reputation in the community for which he
11 resides for peace and violence and a law abiding
12 citizen?

13 A Yes sir.

14 Q Would you tell me whether or not that general
15 reputation is good or bad?

16 A Its good.

17 CROSS EXAMINATION

18 BY MR. DOAR:

19 Q What does Mr. Bower do?

20 A Who do he do?

21 Q Yes.

22 A Well he used to put out these machines that you
23 play records in.

24 Q Do you know what he is doing now?

25 A No sir.

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Q. Do you know how long he worked in putting out these machines?

A. Well, it was a long time.

Q. Was that his occupation while you knew him in Laurel?

A. No sir, he ran a theatre a while.

Q. What else did he do besides running a theatre and putting out these machines that play records?

A. I don't know about that.

Q. Do you know of anything else he did?

A. No sir.

Q. Was he ever in the furniture business that you know of?

A. No sir.

Q. Was he ever in the logging business that you know of?

A. No sir.

Q. Was he ever in the sawmilling business that you know of?

A. No sir.

Q. Did he ever have any dealings with any kind of timber scaling that you know of?

A. No sir, I don't know nothing about that. That's all.

BY MR. BUCKLEY:

1974

1 Q Mr. Doar asked you some questions and in regard
2 to those questions is it possible that Mr.
3 Bowers could have had those businesses and you
4 wouldn't know about them?

5 BY MR. HAUBERG:

6 We object.

7 BY THE COURT:

8 Sustained.

9 BY MR. BUCKLEY:

10 That's all.

11 (Whereupon witness excused)

12 AMIE COLEMAN: called as a witness for and on behalf
13 of defendants, was sworn and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. BUCKLEY:

16 May it please the Court, this is Amie A M I E,
17 Coleman.

18 Q Where do you live?

19 A In Laurel.

20 Q Will you please speak as loudly as you can?

21 How long have you lived at Laurel?

22 A Oh since about 1910.

23 Q Tell us whether or not you have lived there
24 continuously since 1910 or not?

25 A I have.

1975

Q Tell me whether or not you know the defendant,
Sam Bowers?

A I do sir.

Q And tell me to the best of your ability how long
you have known him?

A Oh, I've known him about 11 or 12 years.

Q Tell us, do you know where Mr. Bowers live?

A Well, I do.

Q Approximately how long has he lived where he is
if you know?

A Just about ten or eleven years.

Q Do you know his general reputation in the
community in which he resides for peace or
violence and as a law abiding citizen?

A I do.

Q Tell me whether or not that general reputation
for peace or violence and as a law abiding
citizen is good or bad?

A Its good, he's a very nice person.

Q That's all.

CROSS EXAMINATION

BY MR. DOAR:

Q Do you work for Mr. Bowers?

A I have sir.

Q How long did you work for him?

- 1 A. Oh about seven years.
- 2 Q. Where did you work for him, in his home?
- 3 A. No, not in his home.
- 4 Q. Where did you work for him?
- 5 A. The Lincoln Theatre.
- 6 Q. And he runs that theatre?
- 7 A. No, not now.
- 8 Q. Did he run the theatre then when you worked there?
- 9 A. ----- (Witness didn't speak up)

10 BY THE COURT:

11 If you are not going to talk where we can hear you
12 you might just as well not have come up here today.

13 BY MR. DOAR:

- 14 Q. What did you do when you worked for Mr. Bowers?
- 15 A. I sold tickets, popcorn, different things.
- 16 Q. What other businesses was Mr. Bowers in, do you
17 know?
- 18 A. Pinball machines.
- 19 Q. Anything else?
- 20 A. No sir.
- 21 Q. Did you ever hear of him being in the furniture
22 business?
- 23 A. No sir.
- 24 Q. Did you ever hear of him being the sawmilling
25 business?

A. No sir.

Q. Have you heard of him being in the log scaling business?

BY MR. BUCKLEY:

Your Honor I object to this. I don't think he has the right to go into this on cross examination. Its not proper cross examination.

BY THE COURT:

Overruled.

BY MR. DOAR:

Q. Did you ever hear of him being in the logging business?

A. No sir.

Q. Thank you.

BY MR. BUCKLEY:

REDIRECT EXAMINATION

Q. Amie, you were asked some questions about the businesses that Mr. Bowers had been engaged in. Do you know all the businesses he has been engaged in?

A. No sir, I don't.

Q. You don't intend to tell the Court you are thoroughly familiar with all of the occupations of Mr. Bowers?

A. No sir.

1978

1 BY MR. HAUBERG:

2 We object to that, if the Court please.

3 BY THE COURT:

4 Sustained.

5 BY MR. BUCKLEY:

6 That's all.

7 (Whereupon witness excused)

8 DIRECT EXAMINATION

9 BY MR. MARS:

10 WILLIE E. LOFTON, called as a witness for and on
11 behalf of defendants was sworn and testified as
12 follows:

13 May it please the Court, this is Mr. Willie E.
14 Lofton.

15 Q Mr. Lofton, where do you live?

16 A About seven miles west of Philadelphia.

17 Q In what community?

18 A The Hope community.

19 Q What relation, if any, are you to the defendant,
20 Jerry Sharpe?

21 Q Brother in law.

22 Q Mr. Lofton, I want to direct your attention to
23 June 21, 1964 and ask you whether or not you
24 had an occasion to see Mr. Sharpe on that day?

25 A I did.

1 Q Tell the Court and Jury what the occasion was
2 that you saw Mr. Sharpe that day?

3 A Well I was out on the truck and came in off a
4 trip and he was out at the house and spend the
5 night with us.

6 Q At approximately what time did you return home?

7 A About four thirty.

8 Q And who did you find at your house at that time?

9 A Herry Sharpe.

10 Q Who else was present at your house when you got
11 home?

12 A My wife and kids.

13 Q Do you recall what Mr. Sharpe and your wife and
14 kids were doing at that time?

15 A They were eating a watermelon out in the front
16 yard.

17 Q Just tell the Court and Jury in your own words
18 what took place after you got there?

19 A Well we ate the watermelon, then we went on
20 in and watched T. V. while my wife fixed supper
21 and we ate supper.

22 Q What else did you do?

23 A Sat around and talked until she got through
24 with the dishes.

25 Q Who ate supper with you that night?

1 A. Jerry Sharpe.

2 Q. Do you know the approximate time that you all
3 ate supper?

4 A. It was around 7 or 7:30.

5 Q. Can you tell the Court and Jury whether or not
6 Mr. Sharpe was present at your home from the
7 time you got home until you finished eating
8 supper?

9 A. He was.

10 Q. What did you do after supper?

11 A. We sat there at the table and talked while my
12 wife was cleaning up the dishes, then we watched
13 T. V. until around 10:00 o'clock.

14 Q. Was Mr. Sharpe present at your home from the
15 time you ate supper until 10:00 o'clock?

16 A. He was.

17 Q. What took place after 10:00 o'clock?

18 A. We went to bed.

19 Q. Who went to bed?

20 A. Jerry and me. My wife had to get the kids ready
21 for bed and then she came to bed.

22 Q. Do you know what time your wife, Mrs. Lofton,
23 got to bed?

24 A. No, I don't, I was asleep.

25 Q. Did Jerry Sharpe leave your house between the time

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of 4:30 and the time you went to bed, to your knowledge?

A. To the best of my knowledge, no sir.

Q. When was the next time that you saw Mr. Sharpe?

A. After that night? I guess it was about two or three weeks.

Q. State whether or not you saw him the next morning?

A. Yes sir, he was still asleep when I left.

Q. What time did you leave?

A. About 5:00 o'clock.

Q. Would you tell this Court and Jury whether or not Jerry Sharpe went out that night?

A. To the best of my knowledge, no.

Q. If he had, would you have known it?

BY MR. HAUBERG:

We object to that.

BY THE COURT:

Overruled.

BY THE WITNESS:

A. More than likely, I would have.

Q. Did anything unusual take place at your house to your knowledge after 10:00 o'clock?

A. No.

Q. Did anything unusual happen at your house before 10:00 o'clock that night?

1 A. No.

2 CROSS EXAMINATION

3 BY MR. DOAR:

4 Q. Were do you live?

5 A. Seven miles west of Philadelphia in the Hope
6 community.

7 Q. Where did you live on June 21, 1964?

8 A. Same place.

9 Q. Same place. What highway is that?

10 A. 488.

11 Q. How far is that beyond Olen Burrage's place?

12 A. About three miles.

13 Q. How long had you lived there?

14 A. Ten years.

15 Q. Where did you live before that?

16 A. About three miles nearer to Philadelphia on the
17 same road.

18 Q. Are you a native of Neshoba County?

19 A. Yes sir.

20 Q. Do you know Cecil Price?

21 A. I do.

22 Q. How well do you know him?

23 A. Just when I see him is about ail.

24 Q. Do you know Lawrence Rainey?

25 A. When I see him, yes sir.

1 Q Do you know Preacher Killen?

2 A Yes sir.

3 Q How well do you know Preacher Killen?

4 A Just when I see him is all.

5 Q Do you know Billy Wayne Posey?

6 A Yes.

7 Q How well do you know him?

8 A Pretty well.

9 Q What are the circumstances of your knowing him?

10 A Well, I trade at the service station where he
11 works.

12 Q What about Hop Barnette?

13 A Just when I see him.

14 Q What about Olen Burrage?

15 A He was one of my employers for about three years.

16 Q And when did you work for Mr. Burrage?

17 A I started in '60, I believe.

18 Q And when did you finish?

19 A About '65, I worked on and off at different
20 times with him.

21 Q What did you do for Mr. Burrage?

22 A Truck driver.

23 Q Did you ever do anything else for him?
operator

24 A Yes I was a dozer/ for him for a while
25 out at the pond.

1 Q You worked for him for a while out on the pond
2 dam site?

3 A That's right.

4 Q When was that?

5 A I started working over there for him on July the
6 10th, on a Friday.

7 Q And how long did you work?

8 A Until it was completed on Tuesday.

9 Q Where was this pond, pond dam.

10 Q Its about three miles from his home and garage
11 on highway 21, off highway 21.

12 Q How did you get into it?

13 A There is a little side road there.

14 Q After you get off of that little old side road
15 then what do you do?

16 A Go down through the woods.

17 Q Down through the woods, about how far?

18 A About a mile I'd say.

19 Q Is there anything else down in there besides that
20 pond dam?

21 A Well there's a house and a barn.

22 Q It that on that little old road?

23 A Yes.

24 Q Is there any other buildings down there by the
25 pond dam?

- 1 A. Not that I know of.
- 2 Q. Does that little old road going down to the pond
- 3 dam go anywhere?
- 4 A. Just down to the pond.
- 5 Q. Just down to the pond. Do you know Herman Tucker?
- 6 A. Yes.
- 7 Q. How well do you know him?
- 8 A. Well he's a next door neighbor of mine and I've
- 9 worked with him too and lived close to him all
- 10 my life.
- 11 Q. Do you remember talking to two agents with the
- 12 Federal Bureau of Investigation on August 10,
- 13 1964?
- 14 A. I do.
- 15 Q. Where did you talk to them?
- 16 A. Delphia Courts.
- 17 Q. And do you remember telling them on that day that
- 18 you had worked for the past year as a truck
- 19 driver for Olen Burrage, is that true?
- 20 A. Yes.
- 21 Q. Do you remember telling them that you would drive
- 22 out of Philadelphia and be gone for three or four
- 23 days trip?
- 24 A. Yes.
- 25 Q. Is that true, you did tell them that?

1 A. Yes.

2 Q. Do you remember telling them that prior to telling
3 them that you owned and operated your own bull-
4 dozer which you sold in August of 1963?

5 A. Yes.

6 Q. Is that true?

7 A. I sold it, I'm not sure what year I sold it but
8 I owned and operated one for a few years.

9 Q. Do you remember telling them that you owned two
10 acres of land on which your home is situated?

11 A. No, I don't.

12 Q. You don't remember telling them that?

13 A. I own four and a half acres.

14 Q. And where did you get this land?

15 A. Through the VA.

16 Q. Did you get any land from your father?

17 A. Yes.

18 Q. How much?

19 A. Four and one half acres.

20 Q. Did you tell them on that day that you worked
21 for Mr. Burrage until about July 16th? That
22 you worked for Mr. Burrage starting on July 16th
23 and that you worked for him until you completed
24 the dam?

25 A. I'm not sure, I think I told them it was around

1992

1 the 10th through the 15th.

2 Q What did you do out there when you were working
3 on the dam?

4 A I run a dozer some, most of the time.

5 Q About how high was that dam at that time?

6 A Oh I would say about 10 or 12 feet high.

7 Q How high did you get it up to?

8 A Approximately eighteen feet.

9 Q Where did you get the dirt from to push it up
10 there to build it the additional 6 feet?

11 A Out from the front of the levy.

12 Q Is that where the pond was when you had finished?

13 A Yes, we took some out of the front of that.

14 Q Now who else was there in the area on the 16th
15 or the day you worked on that pond dam?

16 A Well, Herman Tucker and Olen Burrage and W. H.
17 Pettus, I think.

18 Q And that's all?

19 A Lamar Smith.

20 Q Lamar Smith, who is Lamar Smith?

21 A He is the one that lives up there in that house
22 going into the pond.

23 Q Does Lamar Smith drive a Cat?

24 A No.

25 Q Just Herman and Pettus and you were the Cat drivers

1 A That's right.

2 Q Do you remember the Spring of 1962 a couple
3 of crosses burning on Highway 21?

4 BY MR. BUCKLEY:

5 To which I object, YOur Honor, this is not at all
6 proper what happened in 1962?

7 BY MR. DOAR:

8 1964.

9 BY THE COURT:

10 Go along, overruled.

11 BY MR. DOAR:

12 Q Do you remember seeing them in 1964 in the
13 Spring?

14 A No, I don't.

15 Q You remember telling the Federal Bureau of
16 Investigation Agents on August 10th that you saw
17 two crosses burning near Highway 21 about four
18 months ago?

19 A No, I don't remember.

20 BY MR. WEIR:

21 We object and move the Court for a mistrial.

22 BY THE COURT:

23 Ovefruled.

24 BY MR. DOAR:

25 Q You don't remember telling them that?

1994

1 A. No.

2 Q. You don't remember telling them that?

3 A. No.

4 Q. Would you deny that you told them that?

5 BY MR. WEIR:

6 May we show a continuing objection, Your Honor?

7 BY THE COURT:

8 I'll sustain the objection, is that is what you are
9 making.

10 BY MR. DOAR:

11 Q. Do you remember telling the Federal Bureau of
12 Investigation Agents that you could not recall
13 your activities or whereabouts on Sunday, June
14 21st?

15 A. No, I don't remember telling them that.

16 Q. Do you remember telling them that on June the
17 21st you probably were at home but you could not
18 be certain?

19 A. I don't remember telling them that no.

20 Q. Do you deny telling them that?

21 A. I don't remember if I did.

22 Q. Now when is the first time that anyone discussed
23 with you whether Jerry Sharpe was at your house
24 that day?

25 A. When they found those people over at the dam

~~1996~~

1 A I recognize one similar to that, yes sir.

2 Q What is that a picture of?

3 A D-4 Caterpillar Dozer.

4 Q Can you tell me whether or not that's Herman
5 Tucker's Cat that you were driving in July, 1964?

6 A No, but it looks like it.

7 Q Can you say that Herman Tucker has one that
8 looks like that? If its not the same one?

9 A Yes sir.

10 Q Can you say whether or not that's a fair and
11 accurate replica of Herman Tucker's Cat.

12 BY MR. DOAR:

13 We would like to offer that into evidence, Your Honor.

14 BY THE COURT:

15 It may be offered and marked for identification.

16 (Whereupon exhibit marked P-77 for identification)

17 BY MR. DOAR:

18 Tha's all, Your Honor.

19 (Whereupon witness excused)

20 AUDIE LOFTON, called as a witness for and on behalf
21 of defendants was sworn and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MARS:

24 May it please the Court, this witness' name is

25 Mrs. Audie Lofton, A U D I E.

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Q Mrs. Lofton, tell the Court and Jury where you live please mam?

A I live out West of town on Highway 21.

Q How long have you lived out in the Hope Community?

A Ten years.

Q This is the Hope community is it not?

A Yes, the Hope Community.

Q Tell the Court and Jury what relation, if any, are you to the defendant, ~~Herby~~ Sharpe.

A He's my brother.

Q I direct your attention Mrs. Lofton to June the 21st, 1964 and ask you whether or not you had an occasion on that day to see your brother, Jerry Sharpe?

A I did.

Q Tell the Court and Jury what was the occasion which you saw him?

A He came out to my house around 3 or 3:30 that afternoon.

Q What did he do after he got there, Mrs. Sharpe?

A Well, he come in and played with the kids for a while, and he had a watermelon and we went outside and cut the watermelon.

Q Who was present at this watermelon cutting?

A Well when Jerry got there nobody was there but

1 me and my kids.

2 Q. How many children do you have?

3 A. Three. Three girls, and my husband came home
4 while we were eating watermelon.

5 Q. Approximately what time did your husband arrive?

6 A. Oh, it was around 4:30 or 5:00 o'clock.

7 Q. What, if anything, did you all do after that time?

8 A. Well, we sat out in the yard for a while after
9 eating the watermelon, and we went in and they
10 watched television and I cooked supper, and we
11 eat, and they sat around the table and talked
12 while I washed the dishes.

13 Q. And who are they, Mrs. Lofton?

14 A. My husband, the children and Jerry.

15 Q. Did Jerry Sharpe leave your house between the
16 time of 3:30 and the time which you all ate
17 supper?

18 A. No, he did not.

19 Q. What did you all do after supper that night?

20 A. Well, they sat around the table while I washed
21 dishes, then we went in the den and watched T. V.
22 until around 10:00 o'clock and Jerry and my
23 husband went to bed and I gave the kids a bath,
24 got them to bed then I taken a bath myself and
25 went to bed, around quarter to eleven or eleven.

Q Mrs. Lofton, do you know whether or not Jerry Sharpe was asleep when you went to bed at a quarter to eleven?

A Well, the light was out and he was in bed---

BY MR. HAUBERG:

We can't hear the witness, Your Honor.

BY THE COURT:

Speak up a little bit louder.

BY THE WITNESS:

A He was in bed, the light was out, and my husband was asleep, I couldn't say for sure that Jerry was asleep.

Q What did you do, Mrs. Lofton, from the time your husband and Jerry went to bed until you went to bed?

A I gave the kids a bath, got a bath myself and went to bed.

Q Can you tell this Court and Jury whether or not Jerry Sharpe left your house that night?

A No, he didn't.

Q What time the next morning did you see him?

A I woke Jerry up about 6:30 to get up and eat breakfast.

CROSS EXAMINATION

BY MR. DOAR:

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1 Q How did you happen to remember what took place
2 on June 21st, 1964?

3 A Yes.

4 Q How do you happen to remember it?

5 A Well there was so much publicity about it every
6 body up around Philadelphia knows, if you lived
7 around there you would know.

8 Q There's been an awful lot of publicity about
9 those Civil Rights Workers being missing?

10 A Well yes, there's been a lot of publicity and
11 talk.

12 Q Did you hear anything about those Civil Rights
13 Workers being up in Neshoba County before the
14 21st of June?

15 A No.

16 Q You hear anything about any Cofo activity?

17 A No.

18 Q Did you read about a church having burned out
19 east of Philadelphia?

20 A Nothing more than it was on the news, I don't
21 remember anything in particular about it.

22 Q When was it after the 21st of June that you were
23 asked to recall where Jerry Sharpe was on the
24 21st of June, 1964?

25 A When was I asked to recall it?

Q Yes.

A Well I really wasn't asked. I went up to this lawyer and told him I knew where Jerry was and I went up and talked to him.

Q Was that the first time that you went up?

A Yes.

Q Do you know any of the defendants in this case?

A Yes.

Q Which ones do you know?

A Most all of them from Philadelphia.

Q Have you lived in Philadelphia all your life?

A Yes.

Q Your family lived there?

A Yes, my family doesn't live there now.

Q Are you related to any of the other defendants?

A To the other defendants?

Q Any of the other defendants?

A No.

Q Did you go to school in Philadelphia?

A Yes.

Q Was your husband at home or away on the 21st day of June?

A On the 21st?

Q Yes, June 21st, 1964.

A He came in that afternoon about 5:00 o'clock.

1 Q. Where had he been?

2 A. Out on the trip, he was driving a truck.

3 Q. Who was he driving a truck for?

4 A. Olen Burrage.

5 Q. Do you know where he went to Olen Burrage's home
6 before he came home?

7 A. No, as far as I know. The car was up at the
8 shop.

9 Q. His car was up at the shop up at Olen Burrage's?

10 A. At the shop where he carried the truck to.

11 Q. When he came in off a trip he would go up to
12 the shop and leave the truck and then drive his
13 car home?

14 A. Yes.

15 Q. Did he do that that afternoon?

16 A. Yes, he did.

17 Q. Did he mention anything to you about any Civil
18 Rights Workers being in jail?

19 A. No, he didn't.

20 Q. You hadn't heard anything about that that after-
21 noon?

22 A. No, I hadn't.

23 Q. Did you go anywhere that evening?

24 A. No I didn't.

25 Q. How far do you live from Herman Tucker?

BY

A. About two or three miles I guess.

Q. Do you know him well?

A. Yes.

Q. They're neighbors?

A. Yes.

Q. Your husband works for Herman Tucker or has worked for him?

A. He has off and on.

Q. How long have you lived at the place you are presently living?

A. Ten years.th

Q. Thank you.

(Whereupon witness excused)

CARRIE BENTON, called as a witness for and on behalf of defendants, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. WATKINS:

May it please the Court, the name of this witness is Mrs. Carrie Benton, B E N T O N.

Q. Is that correct please mam?

A. Yes sir.

Q. Where do you live Mrs. Benton?

A. 403 43rd Avenue.

Q. Here in Lauderdale County?

1 A That's right.

2 Q Do you know Frank J. Herndon?

3 A Yes sir.

4 Q And how long have you been knowing Frank J. Herndon?
5 don?

6 A Since back in April of 1964.

7 Q Now, I direct your attention to April, May, &
8 June of 1964, were you called upon by Frank
9 Herndon to assist him in anyway during that
10 period of time?

11 A I cared for his little girl all during that time.

12 Q About how old was his child?

13 A She was about two years old, she was two in
14 May.

15 Q Two years old in May of 1964?

16 A Yes sir.

17 Q Were you attending this child in June of 1964?

18 A Yes sir.

19 Q In what location were you in attendance with
20 this child?

21 A Down on Tom Bailey Drive in a trailer.

22 Q And whose trailer was it?

23 A Mr. Herndon's.

24 Q Would you tell us whether or not it was located
25 near a restuarant or a cafe known as the Longhorn

1 A. It was located about a half block or maybe a
2 block behind the Longhorn, back there.

3 Q. Now, during that period of time did Frank Herndon
4 operate the Longhorn?

5 A. He worked there.

6 Q. What hours did you attend this child, please mam?

7 A. From about 2:30 until twelve.

8 Q. In the afternoon and night?

9 A. Yes sir from 2 in the afternoon until 12 at night.

10 Q. And did you do that during the entire month of
11 June?

12 A. Yes sir, I did.

13 Q. What other months did you do that?

14 A. July and August.

15 Q. When the hour of twelve o'clock came who would
16 arrange to carry you home?

17 A. The man that owned the Longhorn, Mr. Garrett
18 would carry us home.

19 Q. And who would be there when you left to take
20 care of the child?

21 A. Mr. Herndon.

22 Q. Frank Herndon?

23 A. That's right.

24 Q. Now, I direct your attention to June the 21st,
25 1964, were you attending this child that after-

1 noon and that night?

2 A. Yes sir, I did.

3 Q. Was Frank Herndon there, in and about?

4 A. Yes sir, he was.

5 Q. Did he operate the Longhorn that afternoon?

6 A. Yes sir.

7 Q. Did he operate it that night?

8 BY MR. HAUBERG:

9 We object to his leading, if the Court please.

10 BY THE COURT:

11 Overruled.

12 BY MR. WATKINS:

13 Q. The Judge says you may answer.

14 A. Yes sir he did.

15 Q. Tell whether or not he operated the Longhorn that
16 night?

17 A. Yes sir, he was working over there.

18 Q. What time that night did he come in and take the
19 child and relieve you and allowed you to go home?

20 A. At twelve o'clock.

21 Q. Are you sure of that?

22 A. Yes sir.

23 Q. And tell the Court and Jury whether during the
24 night he made any contact with you and the child
25 as you attended the child in the trailer nearby?